



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1551

Introduced 2/15/2011, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/3-102	from Ch. 68, par. 3-102
775 ILCS 5/8A-104	from Ch. 68, par. 8A-104
775 ILCS 5/8B-104	from Ch. 68, par. 8B-104

Amends the Illinois Human Rights Act. With respect to real estate transactions, prohibits discrimination on the basis of source of income in relation to residential rental real estate transactions. In provisions making it is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination or familial status or source of income, to engage in certain activities, provides that those provisions do not: (i) require a housing authority or housing development project in which 25% or more of the units are owned by a housing authority or subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a housing authority to lease or rent another unit of that same housing development project to an existing or prospective tenant who is receiving subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part or all of the rent for the unit; (ii) require or prevent, with specified exceptions, any person whose property is located in a municipality with fewer than 1,000,000 inhabitants and is in a concentrated census tract where 3% of the total housing stock in that census tract is occupied by tenants relying on subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part of the rent for the unit to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part or all of the rent for the unit (the housing authority shall determine which census tracts within its service area meet the concentrated census tract exemption requirements and annually deliver that information to the municipalities within its jurisdiction); or (iii) prevent an owner or agent from taking into consideration factors other than lawful source of income such as credit history, criminal history, or references. Makes other changes. Effective January 31, 2012.

LRB097 08241 AJO 48367 b

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, 3-102, 8A-104, and 8B-104 as
6 follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

8 Sec. 1-102. Declaration of Policy. It is the public policy
9 of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for all
11 individuals within Illinois the freedom from discrimination
12 against any individual because of his or her race, color,
13 religion, sex, national origin, ancestry, age, order of
14 protection status, marital status, physical or mental
15 disability, military status, sexual orientation, or
16 unfavorable discharge from military service in connection with
17 employment, real estate transactions, access to financial
18 credit, and the availability of public accommodations.

19 (B) Freedom from Sexual Harassment-Employment and
20 Elementary, Secondary, and Higher Education. To prevent sexual
21 harassment in employment and sexual harassment in elementary,
22 secondary, and higher education.

23 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

3 (D) Freedom from Discrimination Based on Familial
4 Status-Real Estate Transactions. To prevent discrimination
5 based on familial status in real estate transactions.

6 (D-1) Freedom from Discrimination Based on Source of
7 Income-Residential Rental Real Estate Transactions. To prevent
8 discrimination based on source of income in residential rental
9 real estate transactions.

10 (E) Public Health, Welfare and Safety. To promote the
11 public health, welfare and safety by protecting the interest of
12 all people in Illinois in maintaining personal dignity, in
13 realizing their full productive capacities, and in furthering
14 their interests, rights and privileges as citizens of this
15 State.

16 (F) Implementation of Constitutional Guarantees. To secure
17 and guarantee the rights established by Sections 17, 18 and 19
18 of Article I of the Illinois Constitution of 1970.

19 (G) Equal Opportunity, Affirmative Action. To establish
20 Equal Opportunity and Affirmative Action as the policies of
21 this State in all of its decisions, programs and activities,
22 and to assure that all State departments, boards, commissions
23 and instrumentalities rigorously take affirmative action to
24 provide equality of opportunity and eliminate the effects of
25 past discrimination in the internal affairs of State government
26 and in their relations with the public.

1 (H) Unfounded Charges. To protect citizens of this State
2 against unfounded charges of unlawful discrimination, sexual
3 harassment in employment and sexual harassment in elementary,
4 secondary, and higher education, and discrimination based on
5 citizenship status in employment.

6 (Source: P.A. 95-668, eff. 10-10-07; 96-447, eff. 1-1-10;
7 96-1319, eff. 7-27-10.)

8 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

9 Sec. 1-103. General Definitions. When used in this Act,
10 unless the context requires otherwise, the term:

11 (A) Age. "Age" means the chronological age of a person who
12 is at least 40 years old, except with regard to any practice
13 described in Section 2-102, insofar as that practice concerns
14 training or apprenticeship programs. In the case of training or
15 apprenticeship programs, for the purposes of Section 2-102,
16 "age" means the chronological age of a person who is 18 but not
17 yet 40 years old.

18 (B) Aggrieved Party. "Aggrieved party" means a person who
19 is alleged or proved to have been injured by a civil rights
20 violation or believes he or she will be injured by a civil
21 rights violation under Article 3 that is about to occur.

22 (C) Charge. "Charge" means an allegation filed with the
23 Department by an aggrieved party or initiated by the Department
24 under its authority.

25 (D) Civil Rights Violation. "Civil rights violation"

1 includes and shall be limited to only those specific acts set
2 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
3 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
4 6-101, and 6-102 of this Act.

5 (E) Commission. "Commission" means the Human Rights
6 Commission created by this Act.

7 (F) Complaint. "Complaint" means the formal pleading filed
8 by the Department with the Commission following an
9 investigation and finding of substantial evidence of a civil
10 rights violation.

11 (G) Complainant. "Complainant" means a person including
12 the Department who files a charge of civil rights violation
13 with the Department or the Commission.

14 (H) Department. "Department" means the Department of Human
15 Rights created by this Act.

16 (I) Disability. "Disability" means a determinable physical
17 or mental characteristic of a person, including, but not
18 limited to, a determinable physical characteristic which
19 necessitates the person's use of a guide, hearing or support
20 dog, the history of such characteristic, or the perception of
21 such characteristic by the person complained against, which may
22 result from disease, injury, congenital condition of birth or
23 functional disorder and which characteristic:

24 (1) For purposes of Article 2 is unrelated to the
25 person's ability to perform the duties of a particular job
26 or position and, pursuant to Section 2-104 of this Act, a

1 person's illegal use of drugs or alcohol is not a
2 disability;

3 (2) For purposes of Article 3, is unrelated to the
4 person's ability to acquire, rent or maintain a housing
5 accommodation;

6 (3) For purposes of Article 4, is unrelated to a
7 person's ability to repay;

8 (4) For purposes of Article 5, is unrelated to a
9 person's ability to utilize and benefit from a place of
10 public accommodation.

11 (I-5) Housing authority. "Housing authority" means either
12 a housing authority created under the Housing Authorities Act
13 or other government agency that is authorized by the United
14 States government under the United States Housing Act of 1937
15 to administer a housing choice voucher program, or the
16 authorized agent of such a housing authority that is authorized
17 to act upon that authority's behalf.

18 (J) Marital Status. "Marital status" means the legal status
19 of being married, single, separated, divorced or widowed.

20 (J-1) Military Status. "Military status" means a person's
21 status on active duty in or status as a veteran of the armed
22 forces of the United States, status as a current member or
23 veteran of any reserve component of the armed forces of the
24 United States, including the United States Army Reserve, United
25 States Marine Corps Reserve, United States Navy Reserve, United
26 States Air Force Reserve, and United States Coast Guard

1 Reserve, or status as a current member or veteran of the
2 Illinois Army National Guard or Illinois Air National Guard.

3 (K) National Origin. "National origin" means the place in
4 which a person or one of his or her ancestors was born.

5 (K-5) "Order of protection status" means a person's status
6 as being a person protected under an order of protection issued
7 pursuant to the Illinois Domestic Violence Act of 1986 or an
8 order of protection issued by a court of another state.

9 (L) Person. "Person" includes one or more individuals,
10 partnerships, associations or organizations, labor
11 organizations, labor unions, joint apprenticeship committees,
12 or union labor associations, corporations, the State of
13 Illinois and its instrumentalities, political subdivisions,
14 units of local government, legal representatives, trustees in
15 bankruptcy or receivers.

16 (M) Public Contract. "Public contract" includes every
17 contract to which the State, any of its political subdivisions
18 or any municipal corporation is a party.

19 (N) Religion. "Religion" includes all aspects of religious
20 observance and practice, as well as belief, except that with
21 respect to employers, for the purposes of Article 2, "religion"
22 has the meaning ascribed to it in paragraph (F) of Section
23 2-101.

24 (O) Sex. "Sex" means the status of being male or female.

25 (O-1) Sexual orientation. "Sexual orientation" means
26 actual or perceived heterosexuality, homosexuality,

1 bisexuality, or gender-related identity, whether or not
2 traditionally associated with the person's designated sex at
3 birth. "Sexual orientation" does not include a physical or
4 sexual attraction to a minor by an adult.

5 (O-5) Source of Income. "Source of income" means any lawful
6 income, subsidy, or benefit with which an individual supports
7 himself or herself and his or her dependents, including, but
8 not limited to, child support, maintenance, and any federal,
9 State, or local public assistance, medical assistance, or
10 rental assistance program.

11 (P) Unfavorable Military Discharge. "Unfavorable military
12 discharge" includes discharges from the Armed Forces of the
13 United States, their Reserve components or any National Guard
14 or Naval Militia which are classified as RE-3 or the equivalent
15 thereof, but does not include those characterized as RE-4 or
16 "Dishonorable".

17 (Q) Unlawful Discrimination. "Unlawful discrimination"
18 means discrimination against a person because of his or her
19 race, color, religion, national origin, ancestry, age, sex,
20 marital status, order of protection status, disability,
21 military status, sexual orientation, or unfavorable discharge
22 from military service as those terms are defined in this
23 Section.

24 (Source: P.A. 95-392, eff. 8-23-07; 95-668, eff. 10-10-07;
25 95-876, eff. 8-21-08; 96-328, eff. 8-11-09; 96-447, eff.
26 1-1-10.)

1 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)
2 Sec. 3-102. Civil Rights Violations; Real Estate
3 Transactions) It is a civil rights violation for an owner or
4 any other person engaging in a real estate transaction, or for
5 a real estate broker or salesman, because of unlawful
6 discrimination or familial status or source of income in
7 connection with residential rental real estate transactions,
8 to

9 (A) Transaction. Refuse to engage in a real estate
10 transaction with a person or to discriminate in making
11 available such a transaction;

12 (B) Terms. Alter the terms, conditions or privileges of a
13 real estate transaction or in the furnishing of facilities or
14 services in connection therewith;

15 (C) Offer. Refuse to receive or to fail to transmit a bona
16 fide offer to engage in a real estate transaction from a
17 person;

18 (D) Negotiation. Refuse to negotiate for a real estate
19 transaction with a person;

20 (E) Representations. Represent to a person that real
21 property is not available for inspection, sale, rental, or
22 lease when in fact it is so available, or to fail to bring a
23 property listing to his or her attention, or to refuse to
24 permit him or her to inspect real property;

25 (F) Publication of Intent. Print, circulate, post, mail,

1 publish or cause to be so published a written or oral
2 statement, advertisement or sign, or to use a form of
3 application for a real estate transaction, or to make a record
4 or inquiry in connection with a prospective real estate
5 transaction, which expresses any limitation founded upon, or
6 indicates, directly or indirectly, an intent to engage in
7 unlawful discrimination;

8 (G) Listings. Offer, solicit, accept, use or retain a
9 listing of real property with knowledge that unlawful
10 discrimination or discrimination on the basis of familial
11 status in a real estate transaction is intended.

12 Nothing in this Section 3-102 or in any municipal or county
13 ordinance described in Section 7-108 of this Act shall require
14 a housing authority, its designated property manager, or any
15 other housing authority agents or assigns of any housing
16 development project in which 25% or more of the units are owned
17 by a housing authority or subject to a leasing agreement,
18 regulatory and operating agreement, or other similar
19 instrument with a housing authority to lease or rent another
20 unit of that same housing development project to an existing or
21 prospective tenant who is receiving subsidies, payment
22 assistance, contributions, or vouchers under or in connection
23 with the federal Housing Choice Voucher (also known as Section
24 8) program (42 U.S.C. 1437f) for payment of part or all of the
25 rent for the unit.

26 Nothing in this Section 3-102, except with respect to

1 written statements prohibited by subdivision (F) of this
2 Section, shall require or prevent any person whose property is
3 located in a municipality with fewer than 1,000,000
4 inhabitants, and is in a concentrated census tract where 3% of
5 the total housing stock in that census tract is occupied by
6 tenants relying on subsidies, payment assistance,
7 contributions, or vouchers under or in connection with the
8 federal Housing Choice Voucher (also known as Section 8)
9 program (42 U.S.C. 1437f) for payment of part of the rent for
10 the unit to lease or rent a unit to a prospective tenant who is
11 relying on such a subsidy, payment assistance, contribution, or
12 voucher for payment of part or all of the rent for the unit.
13 The housing authority shall determine which census tracts
14 within its service area meet the concentrated census tract
15 exemption requirements and annually deliver that information
16 to the municipalities within its jurisdiction.

17 Nothing in this Section 3-102 prevents an owner or agent
18 from taking into consideration factors other than lawful source
19 of income such as credit history, criminal history, or
20 references.

21 Nothing in this Section 3-102 shall require or prevent any
22 person whose property fails to meet federal Housing Quality
23 Standards in connection with the federal Housing Choice Voucher
24 (also known as Section 8) program (42 U.S.C. 1437f) to lease or
25 rent a unit to a prospective tenant who is relying on such a
26 subsidy, payment assistance, contribution, or voucher for

1 payment of part or all of the rent for such unit.

2 (Source: P.A. 86-910.)

3 (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

4 Sec. 8A-104. Relief; Penalties. Upon finding a civil rights
5 violation, a hearing officer may recommend and the Commission
6 or any three-member panel thereof may provide for any relief or
7 penalty identified in this Section, separately or in
8 combination, by entering an order directing the respondent to:

9 (A) Cease and Desist Order. Cease and desist from any
10 violation of this Act.

11 (B) Actual Damages. Pay actual damages, as reasonably
12 determined by the Commission, for injury or loss suffered by
13 the complainant.

14 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe
15 Benefits. Hire, reinstate or upgrade the complainant with or
16 without back pay or provide such fringe benefits as the
17 complainant may have been denied.

18 (D) Restoration of Membership; Admission To Programs.
19 Admit or restore the complainant to labor organization
20 membership, to a guidance program, apprenticeship training
21 program, on the job training program, or other occupational
22 training or retraining program.

23 (E) Public Accommodations. Admit the complainant to a
24 public accommodation.

25 (F) Services. Extend to the complainant the full and equal

1 enjoyment of the goods, services, facilities, privileges,
2 advantages, or accommodations of the respondent.

3 (G) Attorneys Fees; Costs. Pay to the complainant all or a
4 portion of the costs of maintaining the action, including
5 reasonable attorney fees and expert witness fees incurred in
6 maintaining this action before the Department, the Commission
7 and in any judicial review and judicial enforcement
8 proceedings. Provided, however, that no award of attorney fees
9 or costs shall be made pursuant to this amendatory Act of 1987
10 with respect to any charge for which the complaint before the
11 Commission was filed prior to December 1, 1987. With respect to
12 all charges for which complaints were filed with the Commission
13 prior to December 1, 1987, attorney fees and costs shall be
14 awarded pursuant to the terms of this subsection as it existed
15 prior to revision by this amendatory Act of 1987.

16 (H) Compliance Report. Report as to the manner of
17 compliance.

18 (I) Posting of Notices. Post notices in a conspicuous place
19 which the Commission may publish or cause to be published
20 setting forth requirements for compliance with this Act or
21 other relevant information which the Commission determines
22 necessary to explain this Act.

23 (I-1) Training. Participate in training by the Department
24 or other such training as is necessary to prevent future civil
25 rights violations.

26 (J) Make Complainant Whole. Take such action as may be

1 necessary to make the individual complainant whole, including,
2 but not limited to, awards of interest on the complainant's
3 actual damages and backpay from the date of the civil rights
4 violation. Provided, however, that no award of prejudgment
5 interest shall be made pursuant to this amendatory Act of 1987
6 with respect to any charge in which the complaint before the
7 Commission was filed prior to December 1, 1987. With respect to
8 all charges for which complaints were filed with the Commission
9 prior to December 1, 1987, make whole relief shall be awarded
10 pursuant to this subsection as it existed prior to revision by
11 this amendatory Act of 1987.

12 There shall be no distinction made under this Section
13 between complaints filed by the Department and those filed by
14 the aggrieved party.

15 (Source: P.A. 86-910.)

16 (775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

17 Sec. 8B-104. Relief; Penalties. Upon finding a civil rights
18 violation, a hearing officer may recommend and the Commission
19 or any three-member panel thereof may provide for any relief or
20 penalty identified in this Section, separately or in
21 combination, by entering an order directing the respondent to:

22 (A) Cease and Desist Order. Cease and desist from any
23 violation of this Act.

24 (B) Actual Damages. Pay actual damages, as reasonably
25 determined by the Commission, for injury or loss suffered by

1 the complainant.

2 (C) Civil Penalty. Pay a civil penalty to vindicate the
3 public interest:

4 (i) in an amount not exceeding \$10,000 if the respondent
5 has not been adjudged to have committed any prior civil rights
6 violation under Article 3;

7 (ii) in an amount not exceeding \$25,000 if the respondent
8 has been adjudged to have committed one other civil rights
9 violation under Article 3 during the 5-year period ending on
10 the date of the filing of this charge; and

11 (iii) in an amount not exceeding \$50,000 if the respondent
12 has been adjudged to have committed 2 or more civil rights
13 violations under Article 3 during the 7-year period ending on
14 the date of the filing of this charge; except that if the acts
15 constituting the civil rights violation that is the object of
16 the charge are committed by the same natural person who has
17 been previously adjudged to have committed acts constituting a
18 civil rights violation under Article 3, then the civil
19 penalties set forth in subparagraphs (ii) and (iii) may be
20 imposed without regard to the period of time within which any
21 subsequent civil rights violation under Article 3 occurred.

22 (D) Attorney Fees; Costs. Pay to the complainant all or a
23 portion of the costs of maintaining the action, including
24 reasonable attorneys fees and expert witness fees incurred in
25 maintaining this action before the Department, the Commission
26 and in any judicial review and judicial enforcement

1 proceedings.

2 (E) Compliance Report. Report as to the manner of
3 compliance.

4 (F) Posting of Notices. Post notices in a conspicuous place
5 which the Commission may publish or cause to be published
6 setting forth requirements for compliance with this Act or
7 other relevant information which the Commission determines
8 necessary to explain this Act.

9 (F-1) Training. Participate in Fair Housing training by the
10 Department or other such training as is necessary to prevent
11 future civil rights violations.

12 (G) Make Complainant Whole. Take such action as may be
13 necessary to make the individual complainant whole, including,
14 but not limited to, awards of interest on the complainant's
15 actual damages from the date of the civil rights violation.

16 (Source: P.A. 86-910.)

17 Section 99. Effective date. This Act takes effect January
18 31, 2012.